IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 33515 of 2006(M)

AGAINST THE ORDER DATED 02/12/2006 IN IA 2158/06 IN OPELE.20/2005 of MUNSIFF COURT, MAVELIKKARA

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PETITIONER:

K.M.VISWANATHAN,
KANJIRAVILAYIL THEKKETHIL, PAYYANALLUR MURI,
PALAMEL VILLAGE.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

MANOJ C. SEKHAR,
VYSHNAVAM, PAYYANALLUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

W.P.C.NO.33515 OF 2006 (M)

Dated this the 18 th day of December, 2006.

JUDGMENT

Petitioner is challenging Ext.P3 order passed by learned Munsiff, Mavelikkara, where under his application filed to sent the disputed signatures to Forensic Science Laboratory, was allowed in part. Though the prayer to sent the documents to Forensic Science Laboratory was rejected, learned Munsiff permitted petitioner to sent the document to any other private expert for comparison. This petition is filed under Article 227 of Constitution of India contending that petitioner cannot be compelled to choose a witness against his wishes and the expenses to be met by petitioner to sent the documents to a private expert and there after for examining the expert will be exorbitant and authenticity of the report will not be same as that of a report submitted by the Forensic Science Laboratory.

Under Ext.P3 order learned Munsiff rejected the prayer to forward the document to Forensic Science Laboratory alone. Learned Munsiff found that the documents are to be examined by an expert and granted an opportunity to petitioner to forward the documents to any private expert. I do not find any infirmity in the order warranting on the discretion exercised by the learned Munsiff. Petition dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

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